

# **EXHIBIT 9**

1 IN THE UNITED STATES DISTRICT COURT

2 FOR THE DISTRICT OF MARYLAND

3 - - - - - x

4 MARYLAND SHALL ISSUE, :

5 INC., et al., :

6 Plaintiffs, : Civil Action No.

7 v. : 16-cv-3311-MJG

8 LAWRENCE HOGAN, et :

9 al., :

10 Defendants. :

11 - - - - - x

12  
13 CONFIDENTIAL INFORMATION REDACTED

14 Deposition of DEBORAH KAY MILLER

15 Baltimore, Maryland

16 Tuesday, February 27, 2018

17 1:27 p.m.

18  
19  
20 Job No.: 178304

21 Pages: 1 - 47

22 Reported By: Sandra A. Slater, RPR, CSR

1 Q So it's just you and your husband at the  
2 house; is that correct?

3 A Correct.

4 Q And do you have a computer in the house?

5 A Yes.

6 Q Do you have internet access?

7 A Yes.

8 Q Do you have a credit or debit card?

9 A Yes.

10 Q Do you have a Maryland driver's license or  
11 Maryland State ID?

12 A Yes.

13 Q Do you have access to a scanner?

14 A Yes.

15 Q Do you own any firearms?

16 A No, I do not.

17 Q Have you ever owned any firearms?

18 A No.

19 Q Have you ever rented any firearms?

20 A No.

21 Q Have you ever fired a handgun?

22 A Yes.

1 Q When was the first time you did that?

2 A I don't remember the date.

3 Q Approximate year?

4 A A few years ago.

5 Q More than 10?

6 A No.

7 Q So within the last 10 years was the first  
8 time you fired a handgun?

9 A Yes.

10 Q And how many times, how many instances  
11 have there been where you have fired a handgun?

12 A Just a few times.

13 Q Have you ever gone to a shooting range?

14 A Yes.

15 Q When was the first time you did that?

16 A I don't remember the date.

17 Q Was it within the last 10 years?

18 A Yes.

19 Q How many times would you estimate you've  
20 been to a shooting range?

21 A I don't know exactly. I can just  
22 approximate. Five or six times.

1           Q   When was the most recent time to the best  
2   of your recollection?

3           A   To the best of my recollection, about a  
4   year ago.

5           Q   Have you always been to the same firing  
6   range or have you gone to more than one?

7           A   No, I've been to different ones.

8           Q   All of them in Maryland?

9           A   I went to one in Virginia also.

10          Q   And when you go to the shooting range have  
11   you gone by yourself or have you gone with other  
12   people?

13          A   No, gone with other people.

14          Q   Who do you typically go with?

15          A   With my husband.

16          Q   Does he go to the firing range more often  
17   than you?

18          A   Yes.

19          Q   How often would you say he goes?

20          A   It depends on his work schedule.

21          Q   More than once a week?

22          A   Maybe every few months.

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1 Q When you've been to the shooting range  
2 have you fired handguns or long guns or both?

3 A Handguns.

4 Q Have you ever fired a handgun outside of a  
5 shooting range?

6 A No.

7 Q Have you ever taken any firearm safety  
8 training?

9 A No, I have not.

10 Q Does your husband own any firearms?

11 A Yes.

12 Q How many?

13 A I don't know the exact number.

14 Q More than five?

15 A I don't know.

16 Q More than 10?

17 MR. HANSEL: Don't guess, just if you  
18 know.

19 A I don't know.

20 Q Does he own handguns, long guns or both?

21 A Both.

22 Q Do you know if he has a Maryland Handgun

1 Qualification License?

2 A Yes, he does.

3 Q How are the guns stored in the home?

4 MR. HANSEL: If you know.

5 THE WITNESS: Oh.

6 MR. HANSEL: I just said if you know.

7 Sorry.

8 THE WITNESS: I heard you say something.

9 Q That goes for every question I'm asking by  
10 the way. I'm only asking you what you know.

11 A So they are locked.

12 Q Where are they locked?

13 A In a lock box.

14 Q In the Complaint that's filed in this case  
15 which is -- I'll show it to you, it's been  
16 previously marked. Before I get to that -- the  
17 notice for your deposition is marked as Exhibit 14  
18 and there's a copy of it there for you to see if  
19 you need to, but I want to ask you about what was  
20 previously marked as Exhibit 2 in Ms. Vizas'  
21 deposition, and that's a copy of the Amended  
22 Complaint filed in this case. And I have some

1 questions about some of the allegations in here.

2 Have you seen this before, Exhibit 14? Excuse me,

3 Exhibit 2?

4 A Yes.

5 Q On page 3, paragraph 12, there's an

6 allegation that says that you would like to

7 purchase a handgun for self defense, target

8 practice and other lawful purposes. Do you see

9 that?

10 A Yes.

11 Q Is that true?

12 A That is true.

13 Q When did you decide that you wanted to

14 purchase a handgun?

15 A It was last year.

16 Q 2017?

17 A Um-hum.

18 Q Is that yes?

19 A Yes.

20 Q And what prompted that decision, if

21 anything?

22 A Because I wanted to be able to defend



1 myself in my home.

2 Q All right. Your husband already has guns  
3 in the house, correct?

4 A Yes.

5 Q Why did you feel you needed to have one  
6 for yourself?

7 A Because of the new law, I was concerned  
8 that if I used his gun it would be considered  
9 receiving the handgun and that I could be  
10 prosecuted.

11 Q And how did you find out about that part  
12 of the law?

13 MR. HANSEL: Objection. Give me a second  
14 to think about that. Go ahead. I stated an  
15 objection but you can answer.

16 A Oh. I read the law.

17 Q Did you talk to anybody about the law?

18 A No, I read it for myself.

19 Q And you became concerned that the law  
20 would not permit you to take possession of a  
21 handgun that belonged to your husband?

22 A Yes, it was unclear.

1           Q   The allegation in the Complaint says that  
2   you would like to purchase a handgun for self  
3   defense, which you've just testified to. What  
4   about target practice; is that correct, you also  
5   want to use it for target practice?

6           A   Yes.

7           Q   And then it says other lawful purposes.  
8   What are those?

9           A   For anything that the law would allow for.

10          Q   Can you think of anything specifically  
11   sitting here right now other than target practice  
12   and self defense that you would like to use it  
13   for?

14          A   No, nothing specifically.

15          Q   What type of handgun do you want to  
16   purchase?

17          A   Something small that would fit in my hand.

18          Q   What type of -- what brand, do you know?

19          A   I haven't decided on a brand.

20          Q   What about caliber, have you decided on  
21   the caliber?

22          A   No, I have not.

1 Q Have you ever shopped for handguns?

2 A I've looked at them, but that's about it.

3 Q Have you looked at them at a gun store or  
4 on the internet?

5 A At a gun store.

6 Q Which gun store?

7 A I don't remember the name of it.

8 Q When did you visit the gun store to look  
9 at the handguns?

10 A It was about a year ago.

11 Q And how much were you planning to spend on  
12 this handgun?

13 A I don't know. I hadn't thought about the  
14 price.

15 Q You have the financial wherewithal to  
16 purchase a handgun?

17 A Yes.

18 Q Have you thought about a price range that  
19 you're willing to spend?

20 A No, I have not.

21 Q Have you done any research to determine  
22 what type of handgun would best suit your needs?

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1 A No.

2 Q What features do you believe a handgun  
3 should have to best suit your needs?

4 A Just that it be small and not too heavy.

5 Q What type of handguns have you fired when  
6 you've gone to the range?

7 A A Beretta.

8 Q Do you know what caliber that is?

9 A I don't.

10 Q Is that the only handgun that you've fired  
11 at a range?

12 A Yes.

13 Q Does that belong to your husband?

14 A Yes.

15 Q How did you learn that you needed a  
16 Handgun Qualification License to purchase a  
17 handgun in Maryland?

18 A I read the law.

19 Q And how did the law come to your  
20 attention?

21 A I heard about it on the news.

22 Q So that would have been what, 2013 that

1     you learned about the law or was it at some other  
2     time?

3           A    It was some other time.

4           Q    Before 2013?

5           A    It was after 2013.

6           Q    Do you remember the year?

7           A    About a year ago.

8           Q    2017?

9           A    Um-hum.

10          Q    Is that yes?

11          A    Yes.

12          Q    What is your understanding of what you  
13     would need to do to obtain a Handgun Qualification  
14     License?

15          A    I would need to take the training. I  
16     would need to be fingerprinted.

17          Q    Anything else?

18          A    Not to my recollection. I don't have my  
19     notes in front of me.

20          Q    And what is your source of that  
21     understanding? How did you come to the  
22     understanding that you would need to take training

1 and become fingerprinted in order to get an HQL?

2 A I read the law that had the requirements.

3 Q Where did you access the law?

4 A On the computer.

5 Q On the internet?

6 A On the internet.

7 Q What is your understanding of how much it  
8 would cost to obtain -- it would cost you to  
9 obtain an HQL?

10 A I understand it would be several hundred  
11 dollars with all the different fees.

12 Q What specific fees exist for the HQL that  
13 you would have to pay?

14 A The fees for the training, the fees for  
15 the fingerprinting.

16 Q How much is the fees for the training?

17 A I don't know exactly.

18 Q How much is the fee for the  
19 fingerprinting?

20 A I think it was approximately \$70. I don't  
21 know exactly.

22 Q Have you done any research to determine

1 how much it would cost to obtain an HQL?

2 A I've looked at it.

3 Q Where did you look?

4 A On the internet.

5 Q What website were you on?

6 A I'm not sure which website it was.

7 Q Are there any other fees that you believe  
8 you would have to pay to get an HQL other than the  
9 training and the fingerprinting?

10 A No, I don't think. I think that's all of  
11 it, to the best of my recollection.

12 Q And what is your understanding of how much  
13 time it would take to complete the training?

14 A The training would be about four hours.

15 Q And what is your understanding of how long  
16 it would take you to be fingerprinted?

17 A I don't know how long it would take.

18 Q Have you done any research to determine  
19 how long it would take?

20 A No.

21 Q Have you contacted any fingerprinting  
22 facility to find out how long it would take?

1 A No.

2 Q What are your hours at work?

3 A I generally work 10 to 6.

4 Q And where is the office located?

5 A It's in Columbia.

6 Q And is that Monday through Friday, 10 to

7 6?

8 A Yes.

9 Q So you don't work on weekends?

10 A No.

11 Q And do you get personal days at work?

12 A Yes.

13 Q And how many personal days do you get a

14 year?

15 A I don't know exactly.

16 Q Five approximately?

17 A It's a few weeks approximately.

18 Q Does that include vacation days?

19 A Yes.

20 Q So personal days and vacation days consist

21 of a few weeks per year?

22 A I don't know exactly.



1 Q But approximately?

2 A Yeah, to the best of my recollection.

3 Q What is your understanding of how long it  
4 would take you to obtain an HQL if you completed  
5 the application?

6 A I don't know exactly how long it would  
7 take.

8 Q Do you have an understanding of  
9 approximately how long it would take?

10 A I'd have to estimate a few weeks.

11 Q And what's the basis of that estimate?

12 A To take the training, get the  
13 fingerprinting and then you have the application  
14 process. I don't know how long that takes.

15 Q So you don't know how long the application  
16 process takes?

17 A No.

18 Q Have you ever hunted for food using a  
19 handgun?

20 A No.

21 Q Do you have any plans to do that?

22 A No.

1 Q Have you ever been fingerprinted?

2 A Yes, for my job.

3 Q For your current job?

4 A Yes.

5 Q When was that done?

6 A In 2012.

7 Q And was that done at your work location or  
8 did you have to go to some third party to do it?

9 A No, it was done at my work.

10 Q Have you conducted any research to  
11 determine the nearest location where you could get  
12 fingerprinted for an HQL?

13 A No.

14 Q Have you conducted any research to  
15 determine the nearest location where you could get  
16 the required live fire safety training for an HQL?

17 A No.

18 Q Have you ever begun an application for an  
19 HQL but not completed it?

20 A No, I have not.

21 Q Have you ever had a background check run  
22 to purchase a gun?

1 A No, I have not.

2 Q Are you a member of any gun rights  
3 organizations?

4 MR. HANSEL: Objection. Go ahead.

5 THE WITNESS: Go ahead?

6 MR. HANSEL: Yep. I'll be real clear when  
7 you're not supposed to answer. I'm pretty good at  
8 making myself known, so you'll be all right until  
9 I let you know. Thank you.

10 A I am currently a member of Maryland Shall  
11 Issue, MSI.

12 Q Any others?

13 A No.

14 Q How long have you been a member of MSI?

15 A Last year.

16 Q 2017?

17 A Yes.

18 Q Do you participate in any activities in  
19 connection with your membership at MSI?

20 MR. HANSEL: Objection. Go ahead. Go  
21 ahead.

22 A Oh. I attend some of the meetings.

1 Q Anything else?

2 A Not currently.

3 Q Is your husband a member of MSI?

4 A Yes.

5 Q Is he a member of any other gun rights  
6 organizations?

7 MR. HANSEL: Objection. Go ahead.

8 A He's a member of the Berwyn Rod and Gun  
9 Club.

10 Q Does that club have a shooting range?

11 A Yes.

12 Q Is that where he goes generally to target  
13 practice?

14 A Yes.

15 Q Have you been to that range as well?

16 A Yes.

17 Q Are you aware of the identity of any  
18 specific individual other than yourself who hunts  
19 for food and is in need of a handgun but due to  
20 the expense and inconvenience of the HQL  
21 requirements have been deterred from purchasing a  
22 handgun?

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Transcript of Deborah Kay Miller

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1 A No.

2 Q Are you aware of the identity of any  
3 specific individual who lives in an urban area  
4 with no access to Maryland State Police handgun  
5 trainers or shooting ranges who has been deterred  
6 from purchasing a handgun by the HQL live fire  
7 requirement?

8 A No.

9 Q Are you aware of the identity of any  
10 specific individual who lives in an area with no  
11 access to Maryland State Police approved  
12 fingerprint vendors and have been deterred from  
13 purchasing a handgun by the fingerprint  
14 requirement?

15 A No.

16 Q Are you aware of the identity of any  
17 specific individuals who wish to purchase a  
18 handgun but lack access to the internet and,  
19 therefore, have been deterred from purchasing a  
20 handgun by the HQL requirements?

21 A No.

22 Q Are you aware of the identity of any

1 specific individuals who wish to purchase a  
2 handgun but lack access to a scanner and,  
3 therefore, have been deterred from purchasing a  
4 handgun by the HQL requirements?

5 A No.

6 Q Are you aware of the identity of any  
7 specific individuals who lack a credit card or  
8 debit card and have, therefore, been deterred from  
9 purchasing a handgun by the HQL requirements?

10 A No.

11 Q Are you aware of any -- of the identity of  
12 any specific individuals who lack a fixed address  
13 and wish to purchase a handgun but have been  
14 deterred from purchasing a handgun by the HQL  
15 requirements?

16 A No.

17 Q Are you aware of any individuals who lack  
18 a Maryland State driver's license or Maryland  
19 State identification card who wish to purchase a  
20 handgun but who have been deterred by the HQL  
21 requirements?

22 A No.

1 Q Can you describe for me the inconvenience  
2 that has deterred you from obtaining an HQL?

3 A The training, the time for the training.  
4 I have back issues so sitting still for four hours  
5 would be a burden on me.

6 Q Anything else?

7 A Taking the time off work.

8 Q Anything else?

9 A No.

10 Q So it's not the cost?

11 A The cost is a burden but the important  
12 thing is my back issues for the training.

13 Q So you have the financial wherewithal to  
14 pay the fees that are required to get an HQL if  
15 you want to, correct?

16 MR. HANSEL: Objection. Asked and  
17 answered. Irrelevant. Go ahead. You can answer.

18 A It is a burden but it is -- I can do it.

19 Q And you said your understanding was that  
20 the training would take approximately four hours,  
21 correct?

22 A Yes.

1           Q All right. Do you know whether that would  
2 need to be during the day or during the week or  
3 whether you could do it on a Saturday or in the  
4 evening?

5           A No, I don't.

6           Q So you don't know whether you would need  
7 to take off time from work to complete the  
8 training or not, correct?

9           A Correct.

10          Q And you said you have back issues. When  
11 did those start?

12          A It started in around 2001.

13          Q And is it ongoing, you suffer from it  
14 today?

15          A Yes.

16          Q And what specifically is the problem?

17          A I have the disc in my back.

18          Q What do you do at work, you have to sit at  
19 a desk?

20          A Yes.

21          Q All day?

22          A I have to get up. When my back gets



1 uncomfortable, I get up.

2 Q But most of the time when you're at work  
3 you are seated at a desk; is that correct?

4 A Yes.

5 Q Have you done any research to determine  
6 whether during the training that's required to  
7 obtain a HQL you would have the opportunity to get  
8 up and move around?

9 A No, I haven't.

10 Q Have you made any inquiries of any  
11 Maryland State Police approved firearm safety  
12 trainers or instructors as to whether or not you  
13 could get an accommodation for your back problems  
14 if you took the training?

15 A No, I have not.

16 Q Did you have to submit to a background  
17 check when you got your current job?

18 A Yes.

19 Q Do you need a handgun for your work?

20 A No.

21 Q Do you have any other physical  
22 disabilities other than your back that affect your

1 ability to obtain an HQL or take the training  
2 that's required to get an HQL?

3 A No.

4 Q Are you currently receiving treatment for  
5 your back?

6 A Yes.

7 Q From who?

8 A I have a doctor.

9 Q What's the doctor's name?

10 A Dr. Bands.

11 Q B-a-n-z?

12 A No, B-a-n-d-s.

13 Q And where is his office?

14 A Down in Annapolis.

15 Q What type of doctor is he?

16 A He's an orthopaedic surgeon.

17 Q Have you had any verbal communications  
18 with anybody at the Maryland State Police about  
19 HQL requirements?

20 A No.

21 Q Have you had any communications with  
22 anybody at Atlantic Guns?

1 A No.

2 Q Have you talked to anybody at MSI about  
3 the HQL requirements?

4 A No.

5 Q Have you talked to any of the other  
6 plaintiffs in this lawsuit?

7 A No.

8 Q Do you know John Matthew Clark?

9 A No.

10 Q Do you know Dana Hoffman?

11 A No.

12 Q Do you know Scott Miller?

13 A No.

14 Q So to the best of your recollection, you  
15 have not talked to any of those folks?

16 A No.

17 Q Other than what you've already told us, is  
18 there anything else that prompted you to decide  
19 you wanted to purchase a handgun?

20 A Just the fact that I felt that if I needed  
21 to protect myself in my home with my husband's gun  
22 that I could be prosecuted.

1 Q You said you were confused by the receive  
2 and receipt portion of the HQL law?

3 MR. HANSEL: Objection. She didn't say  
4 that. She said it was ambiguous.

5 Q Did it confuse you?

6 A I felt it was vague.

7 Q What about it did you find to be vague?

8 A It just -- it didn't define what it meant  
9 to receive.

10 Q And did you do any research into that  
11 issue?

12 A No, I just read the law.

13 Q Are you aware of any Maryland State Police  
14 guidance on that question?

15 A No.

16 (D. Miller Deposition Exhibit 15 was  
17 marked for identification and retained by  
18 counsel.)

19 Q Ms. Miller, let me ask you to look at  
20 what's been marked as Exhibit 15. This is an  
21 advisory from the Maryland State Police concerning  
22 the interpretation of "received" in the HQL law.

1 Have you seen this before?

2 A No, I haven't seen this.

3 MR. HANSEL: They issue a lot of  
4 advisories. Just for the record, this is  
5 LD-HQL-17-003 dated November 17th, 2017. I just  
6 put it on the record because there's the issue of  
7 a lot of advisories.

8 Q At the bottom you'll see where it says  
9 therefore, an individual not otherwise prohibited  
10 from owning or possessing regulated firearms is  
11 not required to possess an active HQL in order to  
12 borrow a regulated firearm from another individual  
13 on a temporary basis. Do you see that?

14 A Yes.

15 Q In light of that do you still believe that  
16 you have a need to purchase a handgun?

17 A Yes.

18 Q Why?

19 A After reading the law, I felt I could be  
20 prosecuted.

21 Q All right. So even under this  
22 interpretation, you feel you could still be

1 prosecuted?

2 MR. HANSEL: Would you like to stipulate  
3 that no one can be prosecuted?

4 MR. SCOTT: I'm not going to stipulate to  
5 anything, Counsel, and the question remains  
6 pending.

7 MR. HANSEL: I'll happily stipulate, if  
8 you would like, and then that would solve the  
9 issue.

10 MR. SCOTT: Can you read back the last  
11 question, please?

12 (Pending question read.)

13 A Yes.

14 Q Have you had any surgery for your back?

15 A Yes.

16 Q How many times?

17 A Twice.

18 (D. Miller Deposition Exhibit 16 was  
19 marked for identification and retained by  
20 counsel.)

21 Q I've had marked as Exhibit 16 the Answers  
22 to Interrogatories that we received from your

1 this lawsuit?

2 A No, I decided it was important.

3 Q Is your husband a member -- yeah, I  
4 already asked you that.

5 MR. SCOTT: Let's take a short break.

6 (A recess was taken.)

7 BY MR. SCOTT:

8 Q I just have a few more follow ups and we  
9 will pretty much be done. I just want to go back  
10 and clarify some of -- I have some follow-ups  
11 about some of the answers you gave with respect to  
12 shooting at the range. I think you said the last  
13 time you shot at the range with your husband was  
14 in 2017; is that right?

15 A Yes.

16 Q All right. And you used his Beretta at  
17 the range, correct?

18 A Um-hum.

19 Q Yes?

20 A Yes.

21 Q All right. And was that after or before  
22 you found out about the HQL requirement?